



**Australian Government**

**Department of Education, Employment and Workplace Relations**

# **PSPCIRT404C Serve process**

**Revision Number: 3**

## PSPCRT404C Serve process

### Modification History

Release	TP Version	Comments
3	PSP12V1	Elements and performance criteria pre-content edited.
2	PSP04V4.2	Layout adjusted. No changes to content.
1	PSP04V4.1	Primary release.

### Unit Descriptor

This unit covers the competencies required to serve or attempt to serve process as requested by a court, tribunal, agency or other party. It includes completing preliminary requirements prior to serving process, serving or attempting to serve process, and completing administrative requirements.

In practice, serving process may overlap with other generalist or specialist public sector work activities, such as acting ethically, complying with legislation and applying government processes.

No licensing, legislative, regulatory or certification requirements apply to this unit at the time of endorsement.

### Application of the Unit

The task of serving or attempting to serve process may be performed personally or non-personally and will be undertaken by authorised court officials operating under specified requirements and procedures.

### Licensing/Regulatory Information

Not applicable.

### Pre-Requisites

Not applicable.

## Employability Skills Information

This unit contains employability skills.

## Elements and Performance Criteria Pre-Content

Elements describe the essential outcomes of a unit of competency.

Performance criteria describe the performance needed to demonstrate achievement of the element. Where ***bold italicised*** text is used, further information is detailed in the range statement. Assessment of performance is to be consistent with the evidence guide.

## Elements and Performance Criteria

ELEMENT	PERFORMANCE CRITERIA
1. Complete preliminary requirements prior to serving process.	<p>1.1. Documents are <i>processed</i> according to legislation, and organisational policy and procedures.</p> <p>1.2. Incorrectly received documents are forwarded to correct location for service according to organisational policy and procedure.</p> <p>1.3. Details of <i>process to be served</i> are entered into data system according to organisational policy and procedures.</p>
2. Serve or attempt to serve process.	<p>2.1. <i>Service of process</i> is attempted according to organisational policy and procedures, legislative requirements for the type of process served, the <i>jurisdiction</i> and prescribed timeframes.</p> <p>2.2. Where <i>process</i> must be served personally, the person or entity is identified and the nature of the document is identified, if necessary under the rules, as it is served.</p> <p>2.3. Where service is <i>non-personal</i>, process is served in accordance with legislative requirements.</p> <p>2.4. Where there is non-service, compliance with organisational policy and procedures, legislative requirements and prescribed timeframes is required.</p>
3. Complete administrative requirements.	<p>3.1. Signatures acknowledging service of process are obtained in accordance with legislative requirements.</p> <p>3.2. Reports of service are completed, and <i>affidavits are prepared, sworn</i> and dispatched with any annexures according to organisational policy and procedures, legislative requirements and prescribed timeframes.</p> <p>3.3. Refusals to sign are detailed in affidavits of service according to organisational policy and procedures.</p> <p>3.4. Reports or notices of non-service are prepared and dispatched according to organisational policy and procedures.</p>

## Required Skills and Knowledge

This section describes the skills and knowledge required for this unit.

### Required skills

- initiative and enterprise skills to:
  - apply legislative requirements to serving process
  - apply procedures relating to public sector legislation, such as OHS procedures relating to maintaining operational safety while serving process
  - interpret requirements of process to be served
- communication skills to:
  - identify intended recipients
  - explain nature of process
  - obtain signatures
  - deal effectively with contingencies
- interpersonal skills to respond to diversity, including gender and disability
- literacy skills to complete affidavits
- planning and organising skills to maintain records
- literacy skills to prepare reports or notices

### Required knowledge

- legislation and rules relating to personal and non-personal service of process
- organisational policy and procedures relating to service of process
- jurisdiction policies and procedures relating to service of process
- rules for swearing affidavits
- equal employment opportunity principles
- equity and diversity principles
- working ethically
- public sector legislation, such as OHS and environment in the context of serving process

## Evidence Guide

The Evidence Guide provides advice on assessment and must be read in conjunction with the performance criteria, required skills and knowledge, range statement and the Assessment Guidelines for the Training Package.

**Overview of assessment** Competency must be demonstrated in completing preliminary requirements prior to serving process, serving or attempting to serve process, and completing administrative requirements

**Critical aspects for assessment and evidence required to demonstrate competency in this unit**

Assessment must confirm the ability to:

- confirm validity of documents' details and deal with incorrect documents
- serve process personally and non-personally according to organisational policies and procedures, jurisdiction and legislation appropriate to type of process served
- apply procedures if process is not served
- apply organisational policies and procedure to producing and maintaining administrative requirements

**Consistency in performance**

Competency should be demonstrated by serving process in a range of contexts and over time.

**Context of and specific resources for assessment**

Assessment must comply with:

- applicable regulations and codes
- workplace procedures and protocols

Access may be required to:

- a workplace environment or one that closely resembles normal work practices and replicates the range of conditions likely to be encountered when serving process, including coping with difficulties, irregularities and breakdowns in routine
- legislation, policy, procedures and protocols relating to serving process
- case studies and workplace scenarios to capture the range of situations likely to be encountered when serving or attempting to serve process

**Guidance information for assessment**

The following assessment methods are suggested:

- oral questioning about relevant legislation, acting ethically, and applying processes
- observation of the candidate responding to a range of contexts to ensure achievement of the unit outcomes
- feedback from peers and/or supervisor that the candidate consistently applies relevant workplace procedures
- review of records completed by candidate or reports of

### performance

In all cases, practical assessment should be supported by questions to assess underpinning knowledge and those aspects of competency that are difficult to assess directly. Questioning techniques should suit the language and literacy levels of the candidate.

## Range Statement

The range statement relates to the unit of competency as a whole. It allows for different work environments and situations that may affect performance. ***Bold italicised*** wording, if used in the performance criteria, is detailed below. Essential operating conditions that may be present with training and assessment (depending on the work situation, needs of the candidate, accessibility of the item, and local industry and regional contexts) may also be included.

<b><i>Processed</i></b> may include:	<ul style="list-style-type: none"> <li>• checking prior to service to confirm correctness and validity</li> <li>• checking administrative details, such as: <ul style="list-style-type: none"> <li>• sufficient copies</li> <li>• fees paid or accounted for</li> <li>• address for service</li> <li>• sealed by the court</li> <li>• signed by the court registrar</li> </ul> </li> </ul>
<b><i>Process to be served</i></b> may be served on:	<ul style="list-style-type: none"> <li>• individuals</li> <li>• companies</li> <li>• corporations</li> <li>• registered and unregistered firms</li> <li>• a ship or property on board a ship</li> </ul>
<b><i>Service of process</i></b> may include:	<ul style="list-style-type: none"> <li>• identifying self and showing official identification if required</li> <li>• establishing the identity of the required recipient</li> <li>• identifying the nature or content of the process to be served</li> <li>• service by post, in accordance with legislative requirements</li> </ul>
<b><i>Jurisdiction</i></b> may include:	<ul style="list-style-type: none"> <li>• local court (civil claims)</li> <li>• Magistrates' Court</li> <li>• County Court</li> <li>• District Court</li> <li>• Supreme Court</li> <li>• High Court</li> <li>• Federal Court</li> <li>• Family Court</li> <li>• Coroner's Court</li> <li>• tribunal</li> <li>• Federal Magistrates Service</li> <li>• Admiralty Act and rules</li> <li>• Acts relating to: <ul style="list-style-type: none"> <li>• bankruptcy</li> </ul> </li> </ul>



	<ul style="list-style-type: none"> <li>• victims compensation</li> <li>• companies</li> <li>• proceeds of crime</li> </ul>
<b><i>Process</i></b> may include:	<ul style="list-style-type: none"> <li>• originating process</li> <li>• statements of claim</li> <li>• notices to occupiers</li> <li>• examination summons</li> <li>• garnishment notices</li> <li>• garnishee orders</li> <li>• subpoenas</li> <li>• notices of motion</li> <li>• applications for dissolution of marriage</li> <li>• family court maintenance or property distribution applications</li> <li>• bankruptcy notices or petitions</li> <li>• victim compensation</li> <li>• summonses for jury prosecution</li> <li>• industrial relations summonses</li> <li>• residential tribunal summonses</li> <li>• interstate process</li> <li>• foreign process</li> </ul>
<b><i>Non-personal service</i></b> may include:	<ul style="list-style-type: none"> <li>• leaving the process with someone over a required age at the address specified on the process</li> <li>• service to someone representing the person or entity, such as: <ul style="list-style-type: none"> <li>• solicitor</li> <li>• governor of prison</li> <li>• parent or guardian of minor</li> <li>• guardian or tutor of disabled or incompetent person</li> <li>• director of a company</li> <li>• chairperson, president or officer of a corporation</li> <li>• staff working at a registered or unregistered firm</li> <li>• a person apparently in charge of a ship or property</li> </ul> </li> </ul>
<b><i>Affidavits are prepared and sworn</i></b> before persons who may include:	<ul style="list-style-type: none"> <li>• justice of the peace</li> <li>• commissioner of affidavits</li> <li>• notary public</li> <li>• solicitor</li> <li>• person authorised under the relevant legislation</li> </ul>

## **Unit Sector(s)**

Not applicable.

## **Competency field**

Courts.